

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES,

Plaintiff

v.

YORK COUNTY POLICE
DEPARTMENT, AGENT JAMES H.
MORGAN, DET. RICHARD
PEDDICORD, DET. RAYMOND E.
CRAUL, SGT. GENE FELS, DET.
KESSLER, C/O BAYLARK, DET.
ANTHONY GLOWCZEWSKI, AGENT
RANDY SIPES, AGENT BRIAN
WESTMORELAND

Defendants :

No. 1:CV-01-1015

Judge Kane

FILED
HARRISBURG

DEC 28 2001

MARY E. D'ANDREA, CLERK
Per.
DEPUTY CLERK

MOTION TO DISMISS

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, defendants Morgan, Peddicord, Craul, Fells, Kessler, Glowczewski and Westmoreland, move the Court to dismiss the complaint against them for failure to state a claim upon which relief may be granted.

A brief in support of this motion will be submitted within ten (10) days pursuant to Local Rule 7.5 of the United States District Court for the Middle District of Pennsylvania.

WHEREFORE, the complaint should be dismissed.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By: *Linda S. Lloyd*
LINDA S. LLOYD
Deputy Attorney General
I.D. #66720

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Dated: December 28, 2001

SUSAN J. FORNEY
Chief Deputy Attorney
Chief, Litigation Section
COUNSEL FOR
STATE DEFENDANTS

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Defendants :


**:
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: No. 1:CV-01-1015
:
: Judge Kane**

CERTIFICATE OF SERVICE

I, Linda S. Lloyd, Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on December 28, 2001, I served a true and correct copy of the foregoing Motion to Dismiss, by causing it to be deposited in the United States Mail, first-class postage prepaid to the following:

**Tyrone P. James
York County Prison
3400 Concord Road
York, PA 17402**

**Donald L. Reihart, Esq.
Law Office of Donald L. Reihart
2600 Eastern Blvd., Suite 204
York, PA 17402**


LINDA S. LLOYD
Deputy Attorney General